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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,236	04/14/2006	Toshiaki Wada	OOCL28420040P5271	2217
26479	7590	08/04/2009		
STRAUB & POKOTYLO 788 Shrewsbury Avenue TINTON FALLS, NJ 07724			EXAMINER DAGLAWI, AMAR A	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 08/04/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**DETAILED ACTION**

***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species:
2. Species I, drawn to a setting unit setting information relating to a type of information received and acquired by the reception unit wherein the information addition unit further adds information relating to a type of information set by the settings unit to the signal to be transmitted (paragraph 0018) and Fig.5.
3. Species II, drawn a server address extraction unit extracting a server address designating an information providing source contained in the information acquired by the reception unit (paragraph 0024) and Fig.6.
4. Species III, drawn to a warning unit giving a warning when the information acquired by the reception unit is incomplete or when it is determined that information cannot be completely acquired (paragraph 0028) and Fig.25.
5. Species IV, drawn to an information size setting unit setting a maximum value of a size of information that can be received and acquired by the reception unit wherein the information addition unit further adds information relating to the maximum value of the size of the information that can be acquired and is set by the information size setting unit to the signal to be transmitted (paragraph 0032) and Fig.27.
6. Species V, drawn to a program update unit extracting a control program and updating all or part of the control program stored in the program memory to be updated base on the control program when the control program of the information acquisition

device is contained in the signal received by the reception unit (paragraph 0043) and Fig. 38.

7. Species VI, drawn an encryption key generation unit generating an encryption key and a decryption key and decryption unit decrypting encrypted information contained in the signal received by the reception unit using the decryption key wherein the information addition unit adds an encryption key information generation unit to the signal to be transmitted (paragraph 0047) and Fig.41.

Species VII, drawn to an image capturing unit obtaining image data by capturing a subject image in a same direction as the directivity direction of the signal transmitted by the first transmission unit wherein the information storage unit stores the image data captured by the image capturing unit in addition to the information acquired by the reception unit; and the information presentation unit presents all or part of the information or image data stored in the information storage unit, the information acquired by the reception unit, or the image data captured by the image capturing unit and (paragraph 0049) and Fig.43.

Species VIII, drawn an ID information extraction unit extracting an information ID designating information from the request signal received by the first information reception unit or the second information reception unit, wherein when the ID information extraction unit extracts the information ID from the request signal, the first information transmission unit transmits by wireless the information corresponding to the information ID stored in the information database, and when the ID information extraction unit does not extract the information ID from the request signal received by

the first information reception unit, the first information transmission unit transmits by wireless predetermined information stored in the information database (paragraph 0089) and Fig.45.

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMAR DAGLAWI whose telephone number is (571)270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGUYEN DUC can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Daglawi  
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